

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

862S0086

HOUSE JUDICIARY ENGROSSED NO. **HB 1040** - 1/26/2011

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to provide jurisdiction for clerk magistrates to accept
2 certain penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 16-12C-11 be amended to read as follows:

5 16-12C-11. A magistrate court with a clerk magistrate presiding has concurrent jurisdiction
6 with the circuit courts:

7 (1) To accept defaults for petty offenses;

8 (2) To try contested cases involving a petty offense;

9 (3) To take pleas of guilty, not guilty, nolo contendere for any criminal offense; or

10 (4) To take pleas of guilty, not guilty, nolo contendere for violation of any ordinance,

11 bylaw, or other police regulation of a political subdivision;

12 if the punishment is a fine not exceeding five hundred dollars or imprisonment for a period not

13 exceeding thirty days, or both such fine and imprisonment, and to impose sentence upon a plea

14 of guilty or nolo contendere, which sentence shall be in accordance with § 23-1A-22 or

15 schedules adopted pursuant to subdivision 16-2-21(8). However, if the offense or violation is



1 not covered by ~~said~~ the schedules, the magistrate court may impose a sentence of a fine as
2 authorized by statute, ordinance, bylaw, or police regulation or five hundred dollars, whichever
3 is less. A magistrate court with a clerk magistrate presiding has concurrent jurisdiction with the
4 circuit courts for any penalty imposed pursuant to § 32-22-55, notwithstanding the amount of
5 the penalty, if the penalty is paid in full at the time of the acceptance of the plea. Acceptance of
6 not guilty or nolo contendere pleas shall be in accordance with §§ 23A-7-2 and 23A-7-8, as
7 applicable.